

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

Writ Petition No. 969 of 2005 (S/S)

Smt. Rajeshwari Rawat
Presently posted as Assistant Teacher
Purva Madhyamik Vidhyala
Sutmil, Kashipur
District Udham Singh Nagar

.....Petitioner

Versus

1. State of Uttaranchal through Secretary
Education, Uttaranchal Shasan
Dehradun
 2. Director of Education
Uttaranchal, Deharadun
 3. District Education Officer
Udham Singh Nagar
District Udham Singh Nagar
- Respondents

Sri Kamaljeet Narayan, learned counsel for the petitioner
Sri H. Behwal, learned standing counsel for the respondents

Hon' ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 30.06.2005 of (annexure No. 2 to the petition) passed by the respondent No. 3.

Brief facts giving rise to this petition are that the petitioner was appointed as Assistant Teacher in Primary School, Amritnagar No. 2 Gadarpur District Udham Singh Nagar in the year 1980. Thereafter, the petitioner was posted several places and now presently she is posted in Purva Madhyamik Vidhyala, Nurpur Kashipur, District Udham Singh Nagar.

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has invited my attention towards the Government Order No. 718/XXIV(2)/2005 dated 13.05.2005

Providing the Rules for Transfer of Teacher relating to Basic and Secondary Education.

Learned counsel for the petitioner has submitted that according to above mentioned transfer policy para No. 4, the teacher who is posted at a particular place for a very long period i.e. a stay of 10 years or more is entitled for transfer. The Government Order of the State defines as under:-

“ 10 वर्ष या उससे अधिक ठहराव वाले शिक्षकों की सूची बनाते समय गम्भीर रोग/ बीमारी विकलांगता, अध्यापक पति-पत्नी तथा सेवानिवृत्ति के 2 वर्ष अथवा उससे कम अवधि वाले शिक्षकों को सम्मिलित नहीं किया जाएगा।”

I do not find any force in the argument advanced by the learned counsel for the petitioner.

The record shows that the petitioner has already made a representation before the respondent No. 3 i.e. District Education Officer, Udham Singh Nagar on 08.07.2005 which has been filed as annexure 4 to the petition and that representation is yet to be decided.

In view of above discussion, the respondent No. 3 is directed to decide the representation of the petitioner dated 08.07.2005 provided the petitioner shall file the certified copy of the judgment passed by this court within a period of 15 days and the respondent No. 3 shall thereafter decide the representation of the petitioner in the light of the Government Order dated 13.05.2005 within a period of 15 days by passing the speaking and reasoned order.

With the aforesaid observations, the writ petition is finally disposed of.

(B.C. Kandapal, J.)

16.07.2005
ASWAL